

Matthew Franklin Jaksa (CA State Bar No. 248072)
HOLME ROBERTS & OWEN LLP
560 Mission Street, 25th Floor
San Francisco, CA 94105-2994
Telephone: (415) 268-2000
Facsimile: (415) 268-1999
Email: matt.jaksa@hro.com

Attorneys for Plaintiffs,
ARISTA RECORDS LLC; SONY BMG MUSIC
ENTERTAINMENT; UMG RECORDINGS, INC.;
MOTOWN RECORD COMPANY, L.P.; LAVA
RECORDS LLC; and ELEKTRA
ENTERTAINMENT GROUP INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ARISTA RECORDS LLC, a Delaware limited
liability company; SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership; UMG RECORDINGS, INC., a
Delaware corporation; MOTOWN RECORD
COMPANY, L.P., a California limited
partnership; LAVA RECORDS LLC, a
Delaware limited liability company; and
ELEKTRA ENTERTAINMENT GROUP INC.,
a Delaware corporation,
Plaintiffs,

v.

JOHN DOE,
Defendant.

CASE NO. C 07-04104 MEJ

The Honorable Maria-Elena James

***EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND EXTEND TIME TO SERVE
DEFENDANT AND ~~PROPOSED~~ ORDER***

1 Because Defendant John Doe ("Defendant") has not yet been identified, Plaintiffs
2 respectfully request that the Court continue the case management conference currently set for
3 November 15, 2007, at 10:00 a.m. to February 14, 2008. Plaintiffs further request, pursuant to the
4 Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), that Plaintiffs' time to serve the Summons
5 and Complaint on Defendant be extended from December 7, 2007 to March 6, 2008.

6 Plaintiffs filed the Complaint against Defendant on August 9, 2007. Also on August 9, 2007,
7 Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery, seeking the
8 Court's permission to serve a Rule 45 subpoena on University of California, Santa Cruz ("UC Santa
9 Cruz") so that Plaintiffs could obtain information sufficient to identify Defendant. On August 15,
10 2007, this Court issued its Order Granting Plaintiffs' *Ex Parte* Application for Leave to Take
11 Immediate Discovery. Pursuant to the Court's Order, Plaintiffs have served UC Santa Cruz with a
12 Rule 45 subpoena directing UC Santa Cruz to produce certain information necessary to identify
13 Defendant. Plaintiffs expect UC Santa Cruz to respond to the subpoena on November 28, 2007.

14 Because Plaintiffs cannot identify Defendant until UC Santa Cruz has responded to
15 Plaintiffs' subpoena, there is not yet a known defendant with whom to confer, and a case
16 management conference is unnecessary at this time. Plaintiffs therefore respectfully request that the
17 Court continue the case management conference currently set for November 15, 2007, at 10:00 a.m.
18 to February 14, 2008. Because the original time period for Plaintiffs to serve the Summons and
19 Complaint on Defendant will expire on December 7, 2007 (only nine days after Plaintiffs expect to
20 receive the subpoena response enabling them to identify Defendant), Plaintiffs further request that
21 the time to serve the Summons and Complaint on Defendant be extended to March 6, 2008.

22 Dated: November 7, 2007

HOLME ROBERTS & OWEN LLP

23 By: /s/ Matthew Franklin Jaksa
24 MATTHEW FRANKLIN JAKSA
25 Attorney for Plaintiffs
26
27
28

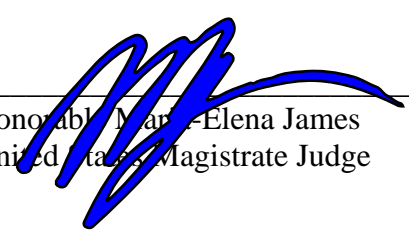
ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for November 15, 2007, at 10:00 a.m. be continued to February 14, 2008.

IT IS FURTHER ORDERED that, pursuant to the Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), Plaintiffs' time to serve the Summons and Complaint on Defendant be extended to March 6, 2008.

Dated: November 8, 2007 _____

By:  _____
Honorable Mary-Elena James
United States Magistrate Judge